· CERTIFICATE OF MAILING

I certify that this document is he he deposited with the U.S. Postal Service as First Class Mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Date: 3/17/2004

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**PATENT** 

Applicant(s):

Berardi, et al.

Docket No.:

60655.6200

Serial No.:

10/708,597

**Group Art Unit:** 

**TBA** 

Filed:

March 12, 2004

Examiner:

**TBA** 

Title:

METHOD AND SYSTEM

Confirmation No.:

2596

FOR TRACKING USER

PERFORMANCE

## SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner For Patents PO Box 1450 Alexandria, VA 22313-1450

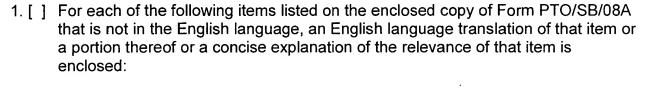
## Commissioner:

In accordance with the duty of disclosure under 37 C.F.R. §1.56 and pursuant to 37 C.F.R., §§1.97 and 1.98, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents listed on the attached Form PTO/SB/08A. One copy of each cited document is submitted herewith. Applicant respectfully submits that all pending claims are patentable over the foregoing references, alone or in combination. The Examiner is requested to initial the enclosed Form PTO/SB/08A and return a copy thereof to the undersigned.

The items listed on Form PTO/SB/08A may be deemed to be pertinent to the above-identified application and are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider the items and to independently ascertain their teaching.

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The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicants reserve the right to dispute any of the listed documents as prior art during examination. Further, Applicants do not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application. Furthermore, the submission of this Information Disclosure Statement is not to be construed as a representation that a search has been made or that no other material information may exist.



- 2. [ X ] Any copy of the items listed on the enclosed copy of Form PTO/SB/08A that is not enclosed with this Information Disclosure Statement was previously cited by or submitted to the Patent and Trademark Office in the prior [X ] Parent Application, [ ] Continuation, [ ] Divisional or [ ] Continuation-In-Part application under 37 C.F.R. §1.97, U.S. Serial No. 10/192,488 , filed July 9, 2002
- 3. [ X ]No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:
  - [ ] 37 C.F.R. §1.97(b)(1), within three months of the filing date of the above-identified application.
  - [ ] 37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491 in an international application.
  - [X] 37 C.F.R. §1.97(b)(3), before the mailing date of a first Office action on the merits.
- 4. [ ] No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period specified in paragraph 3 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action), and is accompanied by one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 8 below.
- 5. [ ] A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period

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	•	ied in paragraph 3 above but before the mailing date of a final action or a of allowance (where there has been no prior final action):
	[]	A check in the amount of \$180.00 is enclosed in payment of the fee.
	[]	Charge the fee to Deposit Account No. 19-2814. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.
6. [ ]	since of a fir	is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement it is being filed in compliance with 37 C.F.R. §1.97(d), after the mailing date hal action or a notice of allowance, whichever comes first, but before ent of the issue fee, and is accompanied by:
	a.	one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 8 below; and
	b.	the attached petition requesting consideration of this Information Disclosure Statement; and
	C.	the fee due under 37 C.F.R. §1.17(i)(1) which is paid as set forth in paragraph 9 below.
7. [ ]		is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement it is being filed in compliance with:
	a. []	37 C.F.R. §1.313(b)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition To Withdraw Application From Issue;
	b. [ ]	37 C.F.R. §1.313(b)(5), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition To Withdraw Application From Issue.
	C.	The fee due under 37 C.F.R. §1.17(i)(1) is paid as set forth in paragraph 9 below.
8. []	Disclo in a co	by certify that each item of information contained in this Information sure Statement was cited in a communication from a foreign patent office ounterpart foreign application not more than three months prior to the filing Information Disclosure Statement.
[]	Stater	by certify that no item of information in the Information Disclosure nent filed herewith was cited in a communication from a foreign patent in a counterpart foreign application or, to my knowledge after making

Serial No.: 10/708,597 Docket No.: 60655.6200

reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

- 9. [ ] A check in the amount of \$180.00 is enclosed in payment of the fee due under 37 C.F.R. §1.17(p).
  - [ ] Charge the fee due under 37 C.F.R. §1.17(i)(1) to Deposit Account No. 19-2814. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.
  - [ X ]The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 19-2814. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,

Snell & Wilmer

Dated: <u>3//7/64</u>

Høward I. Sobelman Registration No. 39,038

Snell & Wilmer L.L.P.
One Arizona Center
400 E. Van Buren
Phoenix, Arizona 85004-2202

Phone: (602) 382-6228 Fax: (602) 382-6070

Email: hsobelman@swlaw.com

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STA	TEMENT E	SY AI	PPLICANT &	$\mathbf{I}$	First Named Inventor	Michael J. Berardi, et a		
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Sheet	1	of	E 8 6	ÿ	Attorney Docket Number	60655.6200		

				U.S. PAT	ENT DOCUMENTS	
Examiner Initials*	Cite No.1	Document Number	Number  Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
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Initials*	No.1	Office <sup>3</sup>	Number	(if known)	MM-DD-YYYY	Applicant of Cited Document		T <sup>6</sup>
		СН	CH689070		08/31/1998	Peter Bresch		
		EP	0 358 525	A2	03/14/1990	W&T Avery Limited		
		EP	0 424 726	Al	10/10/1990	Angewandte Digital Elec.		
		PCT	WO 99/03057	Al	01/21/1999	Robert E. Dorf		
		EP	EP 0 933 717	A2	08/04/1999	Citicorp Development Center		
		EP	EP 0 956 818	A1	11/17/1999	Citicorp Development Center		
		EP	EP 0 959 440	A2	11/24/1999	Citicorp Development Center		
		JP	2000-1109	Α.	01/14/2000	Citicorp Development Center		
		JP	2000015288	A	01/18/2000	Hitachi Plant Eng & Constr		
		JP	2000-40181	A	02/08/2000	Unknown		

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Signature	Considered	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). See Kinds Codes of USPTO Patent Documents at <a href="https://www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. The Indication of the year of the reign of the Emperor must precede the serial number of the patent document. Skind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. Applicant is to place a check mark here if English language Translation is attached.

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	te for form 1449A/P1		, no persons are required t	Complete if Known			
·				Application Number	10/708,597		
INF	DRMATION	N DIS	CLOSURE	Filing Date	March 12, 2004		
STA	TEMENT!	BY A	PPLICANT	First Named Inventor	Michael Berardi, et al.		
				Art Unit	TBA		
	(use as many sh	eets as	necessary)	Examiner Name	TBA		
Sheet	2	of	8	Attorney Docket Number	60655.6200		

				U.S. PATE	ENT DOCUMENTS	
	Cite	Document	Number	Publication Date	Name of Patentee or	Pages, Columns, Lines, Where Relevant Passages or Relevant
	No.1	Number	Kind Code (if known)	MM-DD-YYYY	Applicant of Cited Document	Figures Appear
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		PCT	WO 00/10144	A1	02/24/2000	3M Innovative Properties Co		
		JP	200067312	, A	03/03/2000	IBM		
		EP	EP 0 984 404	A2	03/08/2000	IBM		
		PCT	WO 00/38088	A1	06/29/2000	John Klayh		
		EP	EP 1 016 947	A2	07/05/2000	Texas Instruments Inc.		
		JP	2000207641	A	07/28/2000	NCR International Inc		
		EP	EP 1 039 403	A2	09/27/2000	Citicorp Development Center		
		JP	2001-5931	Α	01/12/2001	Unknown		
		PCT	WO 01/04825	Al	01/18/2001	Intermec IP Corp.		
		PCT	WO 01/15098	A1	03/01/2001	Gamut Interactive		

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Signature	Considered	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). See Kinds Codes of USPTO Patent Documents at <a href="https://www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. See Finds Codes of USPTO Patent Documents at <a href="https://www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. See Finds Codes of USPTO Patent Documents, by the two-letter code (WIPO Standard ST.3). For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. Skind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. Applicant is to place a check mark here if English language Translation is attached.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitut	te for form 1449A/F	PTO		Complete if Known		
				Application Number	10/708,597	
INFO	DRMATIO	N DI	SCLOSURE	Filing Date	March 12, 2004	
STA	TEMENT	BY A	APPLICANT	First Named Inventor	Michael Berardi, et al.	
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Examiner Initials*	Cite No.1	Document Number  Number Kind Code (if known)		Publication Date  MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	
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Initials*	No.1	Office <sup>3</sup>	Number <sup>4</sup>	Kind⁵ (if known)	MM-DD-YYYY	Applicant of Cited Document	Passages or Relevant Figures Appear	T <sub>6</sub>
		PCT	WO 01/15098	Al	03/01/2001	Gamut Interactive		
		EP	EP I 104 909	A2	06/06/2001	Smartel S.P.A.		
		PCT	WO 01/43095	A2	06/14/2001	Intermec IP Corp.		
		EP	EP 1 113 387	A2	07/04/2001	Schlumberger Systemes		
		PCT	Wo 01/72224	Al	10/04/2001	Wolf Fernlund		
		JP	2001283122	<b>A</b> .	10/12/2001	Dainippon Printing Co., Ltd.		
		PCT	WO 01/77856	A1	10/18/2001	Brightstreet.com Inc.		
		PCT	WO 01/80473	A2	10/25/2001	Sony Electronics, Inc.		
		PCT	WO 01/86535	Al	11/15/2001	Cadmus Technology Ltd.		
		PCT	WO 01/90962	A1	11/29/2001	Grosvenor Leisure Inc.		

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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at <a href="https://www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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Substitu	ite for form 1449A/PT0			Complete if Known			
		-	201.001125	Application Number	10/708,597		
INF	ORMATION	DIS	SCLOSURE	Filing Date	March 12, 2004		
STA	TEMENT B	SY A	APPLICANT	First Named Inventor	Michael Berardi, et al.		
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Sheet	4	of	8	Attorney Docket Number	60655.6200		

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Examiner Cite	Document Number		Publication Date	Name of Patentee or	Pages, Columns, Lines, Where Relevant Passages or Relevant			
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Initials*	No.1	Office <sup>3</sup>	Number <sup>4</sup>	Kind <sup>s</sup> (if known)	MM-DD-YYYY	Applicant of Cited Document	Passages or Relevant Figures Appear	16
		PCT	WO 01/95243	A2	12/13/2001	Battelle Memorial Institute		
		PCT	WO 02/01485	Al	01/03/2002	Smartclic Corporation		
		PCT	WO 02/13134	A2	02/14/2002	Medmicrochip LC		
		PCT	WO 02/21903	A1	03/21/2002	Mario Witte		
		EP	EP 1 199 684	A2	04/24/2002	Marconi Commerce Systems		
		PCT	WO 02/063545	A2	08/15/2002	Sensormatic Electronics Corp		
		PCT	WO 02/065246	A2	08/22/2002	Stockback Holdings, Inc.		
		PCT	WO 02/065404	A2	08/22/2002	Stuart Williams		
		PCT	WO 02/069221	Al	09/06/2002	Frequency Marketing, Inc.		
		PCT	WO 02/073512	Al	09/19/2002	3M Innovative Properties Co.		

Examiner	Date	
Signature	Considered	

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at <a href="https://www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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Substitu	ite for form 1449A/PTC	)		Complete if Known		
				Application Number	10/708,597	
INF	ORMATION	DIS	SCLOSURE	Filing Date	March 12, 2004	
STA	TEMENT B	YA	PPLICANT	First Named Inventor	Michael Berardi, et al.	
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Sheet	5	of	8	Attorney Docket Number	60655.6200	

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		EP	EP 1 251 450	Al	10/23/2002	NCR International Inc.		
,		PCT	WO 02/086665	A2	10/31/2002	United States Postal Service		
		PCT	WO 02/091281	A2	11/14/2002	Outsite Networks Inc.	·	
		PCT	WO 02/097575	A2_	12/05/2002	American Express TRS Co.		
		PCT	WO 02/101670	A2	12/19/2002	3M Innovative Properties		+
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<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). See Kinds Codes of USPTO Patent Documents at <a href="https://www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. See Finds Codes of USPTO Patent Documents at <a href="https://www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. See Finds Codes of USPTO Patent Documents, by the two-letter code (WIPO Standard ST.3). For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. Skind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. Applicant is to place a check mark here if English language Translation is attached.

PTO/SB/08B (08-03)
Approved for use through 06/30/2006. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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, .				Application Number	10/708,597	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Filing Date	March 12, 2004	
				First Named Inventor	Michael Berardi, et al.	
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Sheet	6	of	8	Attorney Docket Number	60655.6200	

Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>				
		"What's New: Timex Watch Features Speedpass System", http://www.speedpass.com/news/article.jsp?id=51 (1 page)					
		"Physical Reality: A Second Look", Ken Sharp, Senior Technical Editor, http://www.idsystems.com/reader/1999_03/phys0399_pt2/phys0399_pt2.htm (6 pages)					
		"Magic Wands' to Speed Mobile Sales", BobBrewin, Jan. 15, 2001, http://www.computerworld.com/mobiletopics/mobile/story/1,10801,563300.html (4 pages)					
		"Mobile Speedpass Goes GLobal as Mobil Singpaore Rolls Out Asia's First RFID-Based Pay-At-The-Pump System", Press Release, April 5, 1999, http://www.ti.com/tiris/docs/news_releases/rel12.htm (3 pages)	Ī				
		"Speedpass Unleashed", June 4, 2002, http://www.cardweb.com/cardtrak/news/cf2_20a_97.html (2 pages)	T				
		Prophecy Central Update #9, October 10, 1997, http://www.bible-prophecy.com/pcu9.htm (5 pages)					
		International newsletter of the TI RFID Group, Issue 20, 2000 (12 pages)	T				
		"CES: Microsoft's SPOT Technology has Humble Origins", by James Niccolai, January 10, 2003, http://archive.inforworld.com/articles/hn/xml/03/01/10/030110hnsport.xml?s=IDGNS (3 pages)					
		"Microsoft: See SPOT Run On Your Wrist", by Richard Shim, June 5, 2003, http://news.com.com/2100-1041_3-1013442.html?tag=fd_top (1 page)					
		"Networking: Microsoft SPOT", by Jeremy A. Kaplan, July 1, 2003, http://www.pcmag.com/print_article/0,3048,a=43561,00.asp (2 pages)					
, <u> </u>		"Microsoft Launches Smart Personal object Technology Initiative", Press Release from COMDEX Fall 2002, November 17, 2002, http://www.Microsoft.com/presspass/features/2002/nov02/11-17SPOT.asp (4 pages)					

Examiner		Date	`
Signature	·	Considered	

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not

<sup>&</sup>lt;sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Subatite	Substitute for form 1449B/PTO			Complete if Known			
				Application Number	10/708,597		
INFORMATION DISCLOSURE				Filing Date	March 12, 2004		
STATEMENT BY APPLICANT			CANT	First Named Inventor	Michael Berardi, et al.		
				Art Unit	TBA		
	(use as many si	heets as necessa	ry)	Examiner Name	TBA		
Sheet	7	of 8		Attorney Docket Number	60655.6200		

OTHER PRIOR ART NON PATENT LITERATURE DOCUMENTS						
Examiner Initials*	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T2			
		"Bank Extends RFID Payment Pilot: Bank of America will continue to tests its QuickWave RFID payment card for another three months", RFID Journal, 01/23/2003				
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		"TI Embraces Prox Card Standard: Texas Instruments ISO 14443 payment platform promises faster data transfer rates and more security", RFID Journal, 03/06/2003				
		"Multiple Frequency Transponders: "Volume production of dual-band RFID chips begins", Frontline Solutions, 07/16/2003				
	<u> </u>		<u></u>			

Examiner	Date	
Signature	Considered	

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				Application Number	10/708,597	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Filing Date	March 12, 2004	
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OTATEMENT DI ATTEMANT				Art Unit	TBA	
(use as many sheets as necessary)			s necessary)	Examiner Name	TBA	
Sheet	8	of	8	Attorney Docket Number	60655.6200	

OTHER PRIOR ART NON PATENT LITERATURE DOCUMENTS					
Examiner Initials*	No.1 publisher, city and/or country where published.				
		Functional Specification, Standard Card IC MF1 IC S50, Philips Semiconductors, Product Specification Rev. 5.1 May 2001			
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Serial No.: 10/708,597 Docket No.: 60655.6200

reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

- 9. [ ] A check in the amount of \$180.00 is enclosed in payment of the fee due under 37 C.F.R. §1.17(p).
  - [ ] Charge the fee due under 37 C.F.R. §1.17(i)(1) to Deposit Account No. 19-2814. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.
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Respectfully submitted,

Snell & Wilmer

Dated:

3/17/64

Howard I. Sobelman Registration No. 39,038

Snell & Wilmer L.L.P. One Arizona Center 400 E. Van Buren

Phoenix, Arizona 85004-2202

Phone: (602) 382-6228 Fax: (602) 382-6070

Email: hsobelman@swlaw.com